

7969-0047/dmf

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY L. REYES,

Plaintiff,

-against-

**CONFIDENTIALITY  
STIPULATION**

07 CIV 6524 (CLB)

THOMAS REYNOLDS and RICHARD HAMMER, sued in  
their individual capacities,

Defendants.

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WHEREAS, plaintiff has sought certain documents from defendants in this action,  
documents which defendants deem confidential, and

WHEREAS, defendants object to the production of those documents unless  
appropriate protection for their confidentiality is assured, and

WHEREAS, the parties agree that plaintiff's discovery request seeking production of  
documents shall be limited to documents reflecting incidents which are alleged to have  
occurred between July 7, 2001 and July 7, 2006, the date of plaintiff's arrest, hereinafter "the  
discovery period".

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
the attorneys for plaintiff and defendants, as follows:

1. Defendants agree to provide to plaintiff all documents within the discovery  
period which (1) relate to or describe unsubstantiated complaints against the police office  
defendants, provided such complaints are related to allegations of excessive force, false arrest,  
or malicious prosecution, and (2) all substantiated complaints against the police office  
defendants, regardless of their nature, and (3) all records of disciplinary actions taken against  
individual defendants, regardless of the nature of the underlying complaint.

2. The documents provided to plaintiff shall be considered "Confidential  
Materials" to the extent, and only to the extent, that they are (a) not obtained by plaintiff from  
sources other than defendants, or (b) are not otherwise publicly available.

3. Plaintiff's attorney shall not use the Confidential Materials for any purpose  
other than for the preparation or presentation of plaintiff's case in this action.

4. Plaintiff's attorney shall not disclose the Confidential Materials to any person  
not a member of the staff of their law office, except under the following conditions:

Disclosure may be made only if necessary to the preparation or presentation of

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plaintiff's case in this action.

5. Disclosure before trial may be made only to plaintiff, to an expert who has been retained or specially employed by plaintiff's attorney in anticipation of litigation or preparation for this action, to a witness at deposition, or to the Court.

6. Before any disclosure is made to a person listed in paragraph 5 above (other than to the Court), plaintiff's attorney shall provide each such person with a copy of this Stipulation and Protective Order, and such person shall consent in writing, in the form annexed hereto as Exhibit A, not to use the Confidential Materials for any purpose other than in connection with the prosecution of this case and not to further disclose the Confidential Materials except in testimony taken in this case. The signed consent shall be retained by plaintiff's attorneys and a copy shall be furnished to defendants' attorneys upon their request.

7. Deposition testimony concerning any Confidential Materials which reveals the contents of such materials shall be deemed confidential, and the transcript of such testimony, together with any exhibits referred to therein, shall be separately bound, with a cover page prominently marked "CONFIDENTIAL." Such portion of the transcript shall be deemed to be Confidential Materials within the meaning of this Stipulation and Protected Order.

8. If any paper which incorporates any Confidential Materials or reveals the contents thereof if filed in this Court, those portions of the papers shall be delivered to the Court enclosed in a sealed envelope bearing the caption of this action, an indication of the nature of the contents, and the following legend:

NO DOCUMENT WILL BE FILED UNDER SEAL WITHOUT PRIOR  
CONFIDENTIAL: This envelope contains documents or  
information designated confidential pursuant to an order  
entered by the United States District Court for the Southern  
District of New York in the above-captioned action. This  
envelope shall not be opened or unsealed without the express  
direction of a judge of this Court, and its contents shall not be  
displayed or revealed except as the Court may order. This  
envelope and its contents shall at all times be maintained  
separate and apart from the publicly available files of this case.

9. However, where the confidential information is not material to issues addressed in court submissions and the parties agree that the redaction of personal, confidential and/or identifying information would be sufficient to protect the interests of parties or non-parties, the parties may file redacted documents without further order of the Court.

10. Within 30 days after the termination of this case, including any appeals, the Confidential Materials, including all copies and non-conforming copies, notes, and other materials containing or referring to information derived therefrom, shall be returned to defendants' attorney or, upon their consent, destroyed, and all persons who possessed such materials shall verify their return or destruction by affidavit furnished to defendants' attorney.

11. Nothing in this Stipulation and Protective Order shall be construed to limit

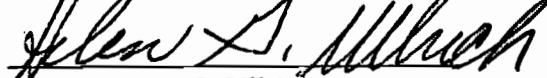
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defendants' use of the confidential materials in any manner.

12. Facsimile signatures will be considered valid and binding for the purpose of this Stipulation.

Dated: June 25, 2008

BERGSTEIN & ULLRICH, LLP



Helen G. Ullrich

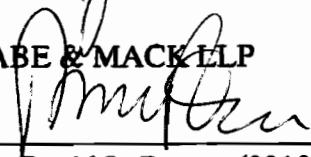
Attorneys for Plaintiff

15 Railroad Avenue

Chester, NY 10918

Dated: June 21, 2008

McCABE & MACK LLP



By:

David L. Posner (0310)

Attorneys for Defendants

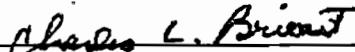
63 Washington Street

P.O. Box 509

Poughkeepsie, NY 12602-0509

(845) 486-6874

SO ORDERED:



Honorable Charles L. Brieant, U.S.D.J.